



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 25, 2011

KEITH A. DAVIS, TREASURER
NATIONAL REPUBLICAN CONGRESSIONAL
COMMITTEE
320 FIRST STREET SE
WASHINGTON, DC 20003

Response Due Date
04/29/2011

IDENTIFICATION NUMBER: C00075820

REFERENCE: 30 DAY POST-GENERAL REPORT (10/14/2010 - 11/22/2010)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following **11** item(s):

1. The limitation on making coordinated party expenditures on behalf of a House candidate in the State(s) of Arizona, California, Connecticut, Florida, Kansas, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio and Pennsylvania for the 2010 general election is \$43,500. Your reports, however, disclose coordinated party expenditures made on behalf of several candidates, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration

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2. Schedule A supporting Line 17 of your report discloses one or more receipts totaling \$360,500 from "MR. ANDREW F. BARTH," "BORDER HEALTH FEDERAL PAC," "MR. SUMIR CHADHA," "COMMON SENSE COMMON SOLUTIONS PAC," "CONCERNED AMERICANS FOR FREEDOM & OPPORTUNITY PAC," "CONGRESSMAN JOE BARTON COMMITTEE," "MR. GEORGE H. CONRADES," "MRS BARBARA GABY," "MR. RICHARD GABY," "INDEPENDENT INSURANCE AGENTS AND BROKERS OF AMERICA," "KOCH INDUSTRIES PAC," "MR. ROBERT S. KRAMER," "MANAGED FUNDS ASSOCIATION PAC," "MR. ROBERT C. CNAIR, SR.," "NATIONAL BEER WHOLESALERS ASSOCIATION, PAC," "MS. FRANCES B. NELSON," "NEW PIONEERS PAC," "PFIZER, PAC," "MR. CHARLES R. SCHWAB," "MR. JAMES E. STEPHENSON," "SYCUAN BAND OF THE KUMEYAAY NATION," "TEXAS FREEDOM FUND," "WEDGE PAC" and "WELLPOINT INC., WELLPAC." Please amend your report to clarify the nature of these receipts.

3. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.2(c) prohibit a political committee which is established and maintained by a national political party, and any affiliated committees, from accepting contributions in excess of \$15,000 in a calendar year from a multicandidate political committee.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If any contribution you received exceeds the limits, you must refund the excessive amount.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the refund. In addition, refunds should be disclosed on Schedule B supporting Line 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), your prompt refund of the excessive amount will be taken into consideration.

4. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(c) prohibit a political committee which is established and maintained by a national political party, and any affiliated committees, from

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accepting contributions from a person or non-multicandidate political committee in excess of \$30,400 in a calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any refunds should be disclosed on Schedule B supporting 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution or refund the excessive amount will be taken into consideration.

5. Schedule A of your report discloses one or more contributions totaling \$15,000 from "New Sunshine, LLC," which appears to be a corporation(s). 2 U.S.C. §441b(a) prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation. Limited liability companies (LLC's) that choose to be treated as corporations under the Internal Revenue Service rules, or have shares that are traded publicly, are considered corporations. In the event that the LLC is treated as a partnership under IRS rules, the aforementioned contributions are to be attributed to each member in direct proportion to his or her share of the LLC's profit or by agreement of its members. Each member who has contributed in excess of \$200 for the calendar year should be identified by name, address, amount of

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contribution, name of employer, occupation and aggregate total on Schedule A. 11 CFR §110.1(g)(1) through (5).

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have received a prohibited contribution(s), you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. See 11 CFR 103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee to transfer-out or refund the amount will be taken into consideration.

6. Schedule A supporting Line 15 of your report discloses an offset to an operating expenditure(s) totaling \$18,805.04 from "ANDY BARR FOR CONGRESS, INC.," "ANN MARIE BUERKLE FOR CONGRESS," "AUTOMATIC DATA PROCESSING," "BUCSHON FOR CONGRESS," "CHARLIE DENT FOR CONGRESS," "CHRIS LEE FOR CONGRESS," "FRIENDS OF TODD YOUNG," "HAROLD JOHNSON FOR CONGRESS," "HOOSIERS FOR ROKITA," "JIM GERLACH FOR CONGRESS COMMITTEE," "LALLY FOR CONGRESS," "LOU BARLETTA FOR CONGRESS," "MIKE KELLY FOR CONGRESS," "SCOTTPAC," "THE FREEDOM PROJECT," "TIM WALBERG FOR CONGRESS," "TOM REED FOR CONGRESS," "WALORSKI FOR CONGRESS INC" and "WILKINS ENTERPRISE"; however, your report(s) does not appear to disclose a disbursement to this entity. Please provide clarifying information regarding this activity and amend your report(s) if necessary.

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7. Schedule B of your report discloses a reimbursement(s) to an individual(s) for apparent travel and subsistence advances in which the total amount reimbursed exceeds \$500. When the reimbursement amount to staff for travel and subsistence advances exceeds \$500, the payments by committee staff that make up the reimbursement may have to be itemized. For example, if the related payment(s) to any one vendor by the staff aggregates in excess of \$200 for the calendar year, the payment(s) must be itemized as a memo entry for that reimbursement. Each memo entry must include the complete name and address of the original vendor, as well as the date, amount and an adequate purpose. Please amend your report to include the missing information and clearly identify on the Schedule B, which reimbursement each memo entry relates to. If itemization is not necessary for a particular reimbursement to staff in excess of \$500, you must clarify this in an amendment to this report. 11 CFR §104.9 and Advisory Opinion 1996-20, footnote 3

8. Schedule E supporting Line 24 of your report discloses a voided or returned check(s) for an expenditure(s) made during this or a previous reporting period. Please clarify the original date of disbursement for this check. Please also clarify if and when this check(s) was reissued. If it was not reissued, please clarify the steps your committee has taken in order to avoid the acceptance of a prohibited in-kind contribution(s).

9. Please clarify all expenditures made for "CATERING," "CATERING/FACILITY RENTAL," "FACILITY RENTAL," "FACILITY RENTAL/CATERING," "FUNDRAISING PHONE CALLS" and "IN-KIND: INVITATIONS AND POSTAGE" on Schedule B. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E or F supporting Lines 23, 24 or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

10. You have received contributions from entities, which appear to be unincorporated proprietorships or partnerships. Generally, these types of contributions are to be attributed to each person based on their percentage of ownership in the firm. Each person who has contributed in excess of \$200 since January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR §110.1(e) Please amend your report by providing the omitted information.

11. A review of your report discloses a receipt on Line 12 from "HARMER VICTORY COMMITTEE" for "Transfer of Joint Fundraising Proceeds."

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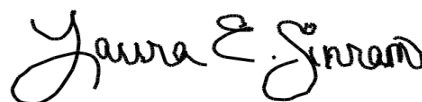
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However, you have not included this as a joint fundraising representative on Line 6 of your Statement of Organization. Please be advised that your Statement of Organization must include a listing of all joint fundraising representatives. Please amend your Statement of Organization to identify all joint fundraising representatives being used by your committee or provide clarifying information regarding this receipt.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,

A handwritten signature in black ink that reads "Laura E. Sinram". The signature is written in a cursive, flowing style.

Laura Sinram
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive Coordinated Expenditures to a Candidate

Recipient Name	Date	Amount	Report
JESSE KELLY	10/15/10	\$85,000.00	2010 30 Day Post-General
CHARLES F. BASS	10/15/10	\$84,987.00	2010 30 Day Post-General
STEVE CHABOT	10/18/10	\$85,000.00	2010 30 Day Post-General
SAM CALIGUIRI	10/18/10	\$84,000.00	2010 30 Day Post-General
JON RUNYAN	10/18/10	\$84,895.00	2010 30 Day Post-General
ILARIO GREGORY PANTANO	10/18/10	\$83,500.00	2010 30 Day Post-General
ALLEN B. WEST	10/18/10	\$85,000.00	2010 30 Day Post-General
KEITH J. ROTHFUS	10/18/10	\$85,000.00	2010 30 Day Post-General
KEVIN W. YODER	10/19/10	\$85,000.00	2010 30 Day Post-General
RANDOLPH ALTSCHULER	10/19/10	\$79,050.00	2010 30 Day Post-General
DAVID JEFFREY HARMER	10/19/10	\$84,995.00	2010 30 Day Post-General
MATT DOHENY	10/19/10	\$85,000.00	2010 30 Day Post-General
JAMES B RENACCI	10/19/10	\$85,000.00	2010 30 Day Post-General
MICHAEL GRIMM	10/21/10	\$85,000.00	2010 30 Day Post-General
DAVID RIVERA	10/21/10	\$85,000.00	2010 30 Day Post-General
BILL JOHNSON	10/21/10	\$85,000.00	2010 30 Day Post-General
CHRISTOPHER PATRICK GIBSON	10/21/10	\$85,000.00	2010 30 Day Post-General
THOMAS ANTHONY MARINO	10/21/10	\$85,000.00	2010 30 Day Post-General
JEFFREY DAVIS PERRY	10/21/10	\$50,094.75	2010 30 Day Post-General
JOE HECK	10/22/10	\$73,000.00	2010 30 Day Post-General
MICHAEL G. FITZPATRICK	10/22/10	\$85,000.00	2010 30 Day Post-General
ANN MARIE BUERKLE	10/25/10	\$85,000.00	2010 30 Day Post-General
BEN QUAYLE	10/25/10	\$85,000.00	2010 30 Day Post-General
SCOTT EUGENE DESJARLAIS	9/22/10	\$55,000.00	2010 October Monthly
SCOTT EUGENE DESJARLAIS	10/26/10	\$30,000.00	2010 30 Day Post-General

Excessive Contribution from a Qualified Committee

Contributor Name	Date	Amount	Report
NEW PIONEERS PAC	4/27/10	\$25,000	2010 May Monthly
NEW PIONEERS PAC	9/3/10	\$5,400	2010 October Monthly
NEW PIONEERS PAC	10/25/10	\$30,400	2010 30 Day Post-General

Excessive Contribution from an Individual

Contributor Name	Date	Amount	Report
MR. THOMAS H. PATRICK	4/6/10	\$20,000	2010 May Monthly
MR. THOMAS H. PATRICK	6/3/10	\$10,400	2010 July Monthly
MR. THOMAS H. PATRICK	10/15/10	\$5,000	2010 30 Day Post-General
MR. MIKE L. SWINFORD	4/16/10	\$1,000	2010 May Monthly
MR. MIKE L. SWINFORD	5/4/10	\$1,000	2010 June Monthly
MR. MIKE L. SWINFORD	5/17/10	\$1,000	2010 June Monthly
MR. MIKE L. SWINFORD	7/22/10	\$2,500	2010 August Monthly
MR. MIKE L. SWINFORD	8/25/10	\$5,000	2010 September Monthly
MR. MIKE L. SWINFORD	9/21/10	\$2,600	2010 October Monthly
MR. MIKE L. SWINFORD	9/24/10	\$5,000	2010 October Monthly
MR. MIKE L. SWINFORD	10/15/10	\$2,400	2010 30 Day Post-General
MR. MIKE L. SWINFORD	11/3/10	\$15,000	2010 30 Day Post-General